

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JASON VAN DUSEN,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-05-1508-M
)	
MIKE MULLIN, Warden,)	
)	
Respondent.)	

ORDER

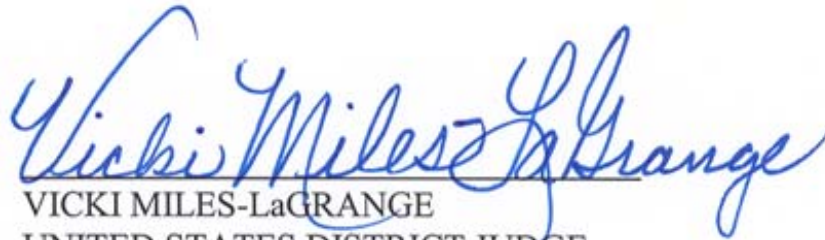
On January 13, 2006, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended (1) that the petition for writ of habeas corpus be dismissed upon filing without prejudice due to petitioner's failure to exhaust his state court remedies, unless within twenty (20) days of any order adopting the Report and Recommendation, petitioner files an amended petition presenting only his exhausted claim, and (2) that petitioner's "Motion for Court to Hold U.S.C. 2254 Writ of Habeas Corpus in Abeyance" [docket no. 7] be denied. Petitioner was advised of his right to object to the Report and Recommendation by February 2, 2006. A review of the file reveals no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on January 13, 2006;
- (2) DENIES petitioner's "Motion for Court to Hold U.S.C. 2254 Writ of Habeas Corpus in Abeyance" [docket no. 7], and
- (3) ADVISES petitioner that twenty (20) days from the date of this Order, this Court will dismiss this action without prejudice due to his failure to exhaust his state court remedies, unless petitioner files, within that period of time, an amended petition

presenting only his exhausted claim.¹

IT IS SO ORDERED this 24th day of February, 2006.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE

¹If petitioner chooses to proceed on only his exhausted claim, the Court advises petitioner that any future habeas corpus petition challenging his convictions may be barred as second or successive under 28 U.S.C. § 2244(b)(2).